

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DEMETRIUS MARTIN,)
)
)
Movant,)
)
)
v.)
)
)
UNITED STATES OF AMERICA,)
)
)
Respondent,)

MEMORANDUM AND ORDER

This matter is before the Court on movant's motion for reduction of sentence under 18 U.S.C. § 3582(c)(2). Movant is not entitled to relief, and the motion is denied.

Movant pled guilty to felon in possession of a firearm. United States v. Martin, 4:10CR597 SNLJ. Utilizing the 2010 edition of the Guidelines Manual, the Court sentenced him to 84 months' imprisonment. In calculating his sentence, the Court added four levels under 2K2.1(b)(4)(B) because the firearm movant possessed had an altered or obliterated serial number.

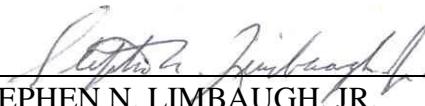
Movant seeks resentencing without the four-level enhancement. He argues that Amendment 784 to the United States Sentencing Guidelines, dated November 1, 2014, results in a reduction of his sentence. The Amendment, however, modified subsection (b)(6)(B); it has no effect on subsection (b)(4)(B). Moreover, the Sentencing Commission has not made Amendment 784 retroactive. Therefore, movant is not entitled a reduction of his sentence. This action is not to be construed as a motion to vacate under 28 U.S.C. § 2255.

Accordingly,

IT IS HEREBY ORDERED that movant's motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) is **DENIED**, and this action is **DISMISSED**.

An Order of Dismissal will be filed separately.

Dated this 12th day of May, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE